

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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| In the Matter of                     | ) |                      |
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| Review of the Emergency Alert System | ) | EB Docket No. 04-296 |
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**REPLY COMMENTS OF THE CITY OF NEW YORK**

The City of New York (“City”), hereby submits the following reply comments in response to the Further Notice of Proposed Rulemaking released by the Federal Communications Commission (“Commission”) in the above captioned proceeding.<sup>1</sup> The City endorses the Commission’s decision in its November order to make EAS participation mandatory for various digital technologies.<sup>2</sup> In the *Order/FNPRM*, the Commission recognizes the importance of state and local governments having the ability to use the EAS.<sup>3</sup> In this regard, the City takes this opportunity to describe its own implementation of the EAS and provide recommendations, based on the City’s

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<sup>1</sup> See *Review of the Emergency Alert System*, Report and Order and Further Notice of Proposed Rulemaking, FCC 05-191, EB Docket No. 04-296 (rel. Nov. 10, 2005) (“*Order/FNPRM*”).

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., *Order/FNPRM* at ¶ 45 (noting that “[m]ost emergencies originate at the state and local level . . . .”); *Order/FNPRM* at ¶ 63 (stating that the nation “should have a system that enables officials at the national, state and local levels to reach affected citizens in the most effective and efficient manner possible”); *Order/FNPRM* at ¶ 73 (noting that there is a “vital connection between state and local alert and warning and Federal efforts to mitigate disasters”).

experiences, on how to improve the reliability of EAS. While the Commission's *Order/FNPRM* is focused primarily on digital services, the City's recommendations apply to the EAS in general, irrespective of whether an analog or digital transmission medium is used.

### **Background**

Over the past several years, the City has, in conjunction with local broadcasters, worked to develop a local version of the federal EAS. This ultimately culminated in the implementation of a Citywide EAS in August 2004 known as "NYC EAS." The City has established partnerships with four local AM radio stations to serve as the City's Local Primary One ("LP-1") stations: WABC 770 AM, WCBS 880 AM, WFAN 660 AM, and WINS 1010 AM. These stations have agreed to transmit, to the best of their abilities, any civil emergency message issued by the City. All the other radio stations in the City monitor one of these LP-1 stations and one additional monitoring source within the broadcast industry. This monitoring ensures that an emergency message from the Mayor or one of his designees will be retransmitted to all radio and television stations, as well as cable systems, in the City within a few minutes.

These stations participate in the Commission's required weekly and required monthly connectivity tests ("RWTs" and "RMTs") in conjunction with City personnel, and these are broadcast live across the City by all the local radio and television stations, as well as the local cable operators. The City has worked with the radio stations to establish formal protocols to ensure that messages are authenticated prior to transmission. The City is currently reviewing how to further enhance the system by expanding its scope to include digital transmission and dissemination.

### **Proposals to Enhance EAS Reliability**

Because ultimately EAS is only of value if it operates during an emergency, it is vital to ensure in advance that the system is reliable. Since 2001, the City has devoted significant resources to ensuring the reliability of all emergency systems. In working to guarantee that EAS will be operable at the municipal level, the City has developed several recommendations, which are outlined below, about how to enhance reliability.

As an initial point, the City would urge the Commission to increase the number of frequency monitoring assignments to ensure that there is sufficient redundancy in the system, such that any operational station during a crisis can receive an emergency alert, even if key stations in the EAS relay sequence are unable to transmit. The Commission's current requirements mandate only three frequency monitoring assignments (one LP-1, one LP-2, and the National Weather Service's National Weather Radio ("NWR")). In the City's experience, this has led to a situation where stations only monitor the mandatory minimum number of assignments. Likewise, EAS decoder/encoder equipment manufacturers produce equipment that only allows for minimal expansion of monitoring assignments (e.g., these decoder/encoder units usually allow for monitoring of 4 frequency assignments).

Monitoring of three frequencies may suffice in areas where population density is low, and the risk of natural or man-made disasters is minimal. But in large urban areas, areas with key infrastructure, or regions that are particularly vulnerable for whatever reason, the City recommends increasing the number of mandatory monitoring frequencies to 8 or more. Correspondingly, the Commission should modify its existing requirements

for EAS encoders and decoders,<sup>4</sup> to require that these units increase the minimum amount of frequencies they can receive to 8 or more. In this way, stations located in areas where a higher monitoring assignment is instituted will be able to obtain the necessary EAS equipment. To minimize any disruption associated with such an expansion, the City would recommend that this be done on a phased in basis over a given period.

If the Commission concludes that it is not possible at this time to mandate an increase in the number of monitoring assignments to an extent that would exceed the capacity of existing EAS encoder/decoder equipment, the City recommends that the Commission increase the mandatory number of monitoring assignments to 4. This is a number that could be handled with the capacity of existing equipment.

To provide the requisite degree of assurance that the EAS system will function during an emergency, the City recommends that the Commission modify its rules to require broadcasters to confirm their receipt of RWTs from their respective monitoring sources. Mandating the confirmation of weekly tests will allow radio and television broadcasters, as well as cable operators, and the designated government officials who are responsible for sending out the alert, to verify that EAS equipment and related transmission paths are operating properly. This will provide a greater opportunity to detect any possible problems and address them before a crisis arises.<sup>5</sup>

Finally, to improve the national EAS as a whole, the City recommends that the Federal Government establish EAS and emergency public communications training

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<sup>4</sup> 47 U.S.C. §§ 11.32-11.33.

<sup>5</sup> As the Commission implements these and other changes to the EAS, the Commission should do so in a manner that is consistent with other federally sponsored public warning technologies. *See, e.g., Order/FNPRM* at ¶¶ 13 and 71 (describing federal initiatives).

programs for station personnel. An adequate number of station personnel should be encouraged to attend these training stations.

### **Conclusion**

In conclusion, the City urges the Commission to increase the number of monitoring assignments, mandate confirmation of weekly tests, and consider possibilities for the establishment of EAS and emergency communications training. The City recognizes that there are costs, both monetary and in terms of time expended, associated with the recommendations outlined above. Nevertheless, on balance, the City believes that the benefit of the added assurance of EAS reliability and redundancy that these additional measures provide far outweigh the costs.

Respectfully submitted,

/s/ \_\_\_\_\_

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